

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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2:09-CV-02173-PMP-LRL

ORDER

JULIE MCEWEN,

Plaintiff,

V.

ACCELERATED COMMERCIAL
CONSULTANTS, FRANK
ULBRIGHT, TERRY PRITCHETT
and MARK MASTRANGELO,

Defendants.

The Court having read and considered Defendant Accelerated Commercial Consultant's fully briefed Motion to Set Aside Default (Doc. #34), and Plaintiff's Praeclipe for Default Against Defendant Accelerated Commercial Consultants (Doc. #19), and further considering the arguments presented at the hearing conducted April 19, 2010, and good cause appearing,

The Court finds that Defendant Accelerated Commercial Consultants Motion to Set Aside Default (Doc. #34) should be granted. Specifically, the Court finds that although the principals of Defendant Accelerated, Frank Ulbright and Terry Pritchett, may have been negligent in failing to insure that an answer to Plaintiff's Complaint was filed by counsel on behalf of Defendant Accelerated, their conduct was not "culpable." Moreover, although Defendant Accelerated's explanation as to a meritorious defense arguably is tenuous, the Court concludes this action should be decided on its merits.

1 **IT IS THEREFORE ORDERED** that Defendant Accelerated
2 Commercial Consultant's Motion to Set Aside Default (Doc. #34) is **GRANTED**.

3 **IT IS FURTHER ORDERED** that Plaintiff Julie McEwen's Praecipe for
4 Default Judgment Against Accelerated Commercial Consultants (Doc. #19) is
5 **DENIED**.

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7 DATED: April 19, 2010.

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10 PHILIP M. PRO
11 United States District Judge